

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

REMONTE MCDADE,	:	
	:	
Petitioner,	:	Case No. C-1-00-1016
	:	
vs.	:	JUDGE SPIEGEL
	:	
HARRY RUSSELL, Warden,	:	MAGISTRATE JUDGE HOGAN
	:	
Respondent.	:	

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**PETITIONER REMONTE MCDADE'S APPLICATION  
TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

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Petitioner Remonte McDade moves this Court for permission to proceed *in forma pauperis* on appeal. Fed. R. App. P. 24(a). A memorandum in support and an affidavit of indigency are attached.

Respectfully submitted,

DAVID H. BODIKER, #0016590  
Ohio Public Defender

s/SIOBHAN R. CLOVIS  
SIOBHAN R. CLOVIS, #0069965  
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COUNSEL FOR PETITIONER

### MEMORANDUM IN SUPPORT

This Court adopted and affirmed the Magistrate Judge's Report and Recommendation to dismiss Mr. McDade's habeas petition on August 7, 2003. Mr. McDade filed a Notice of Appeal on September 5, 2003. He intends to argue that there was insufficient evidence to support his conviction for attempted aggravated murder. This Court granted Mr. McDade a certificate of appealability on this issue in its August 7, 2003 Order.

Mr. McDade has been incarcerated since 1996. He will suffer a serious hardship if he is required to pay the \$105 filing fee. He is paid a minimal sum for his prison labor, and must otherwise rely on small gifts from his mother. The average monthly balance of his prison account is only \$49.48.

Mr. McDade believes that he has around \$900 in a checking account outside prison, from his last paycheck before he was arrested and incarcerated. Mr. McDade does not have access to this money while he is in prison. Further, this relatively meager sum will be all that he has to start a new life when he is released from prison. Mr. McDade will be released, at the latest, when his sentence expires in 2007. Therefore, it would create an undue financial hardship, not to mention administrative difficulties in locating and obtaining access to the funds, if this Court were not to allow Mr. McDade to proceed *in forma pauperis* on appeal.

Respectfully submitted,

DAVID H. BODIKER, #0016590  
Ohio Public Defender

s/SIOBHAN R. CLOVIS  
SIOBHAN R. CLOVIS, #0069965  
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TRIAL ATTORNEY FOR PETITIONER

**CERTIFICATE OF SERVICE**

A copy of the foregoing **Application to Proceed In Forma Pauperis on Appeal** has been served upon Thelma Thomas Price, Assistant Attorney General by U.S. mail addressed to her office at the Corrections Litigation Section, 140 East Town Street, 14th Floor, Columbus, Ohio 43215 on September 5, 2003. This document was electronically filed.

s/SIOBHAN R. CLOVIS  
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Assistant State Public Defender

TRIAL ATTORNEY FOR PETITIONER